

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
ORIENTATION SESSION

February 8, 2013

Kathy Holian, Chair – District 4
Danny Mayfield, Vice Chair – District 1
Robert Anaya – District 3
Miguel Chavez – District 2
Liz Stefanics – District 5

SANTA FE COUNTY COMMISSION

ORIENTATION WORKSHOP

February 8, 2013

Santa Fe, New Mexico

This orientation workshop for the Santa Fe County Commissioners was held at 8:30 am on the above date at the Santa Fe County Legal Conference Room, Santa Fe, New Mexico.

The following individuals were present:

Commissioners Present:

Kathy Holian, Chair
Danny Mayfield
Robert Anaya [late arrival]
Miguel Chavez
Liz Stefanics

Members Excused:

None

Staff Present:

Katherine Miller, County Manager
Steve Ross, County Attorney
Teresa Martinez, Finance Director
Bernadette Salazar, HR Director
Kristine Mihelcic, Public Information Officer
Dave Sperling, Fire Chief
Adam Leigland, Public Works Director

Commissioner Holian welcomed those in attendance and noted this was the same agenda used in the workshop two years previously. She asked that questions be kept brief and if more information is needed Commissioners were encouraged to speak to the department heads individually or an agenda item on a regular meeting could be scheduled.

1. Human Resources
a. Organizational Review

Bernadette Salazar, HR Director, distributed an organizational chart, noting there were currently 819 employees, almost double the number of ten years ago.

b. Union Contracts

Ms. Salazar said among the bargaining units AFSCME has 215 members, 29 percent of whom pay union dues. Their contract expires June 30, 2013 and negotiations are underway.

CWA Sheriff's Union has 52 members, with 67 percent paying dues. Their contract expires October 30, 2015, but a reopener is scheduled for March. The Corrections Union has 75 members, 33 percent of whom pay dues. Their contract expires June 28, 2014. They also have a reopener this March. The RECC Union has 23 members, with 57 percent paying dues. Their contract expires June 30, 2015 with a reopener in March. IAFS, the firefighters union, has 62 members with 95 percent paying dues. Their contract expires August 2015 with a reopener scheduled for this August.

She noted the reopeners will be conducted parallel with budget talks. She reviewed the negotiation process. Once begun, management and elected officials are not allowed to speak to members. Status will be provided periodically in executive session. There are five contracts. Everyone is bound by the Public Employees Bargaining Act.

Ms. Salazar stated there were no prohibited practice complaints and 11 grievances in FY 2012. There have been three grievances this fiscal year so far.

County Manager Katherine Miller stated management tries to achieve parity among the various bargaining units.

A discussion ensued regarding the Commission's role, and Ms. Salazar said she would keep the Board up to date on accretions, which are certified by the State Labor Board.

c. Handling Personnel Matters

Ms. Salazar stated HR is a neutral body that investigates harassment, workplace violence, fraud, unfair treatment, discrimination, retaliation, inappropriate use of County resources, etc. They have conducted 64 investigations since 2012 and the numbers are rising, possibly because people feel more comfortable coming forward with complaints. They will investigate anonymous complaints. She described the mandatory employee trainings and refreshers.

[Commissioner Anaya joined the meeting.]

Ms. Salazar indicated complaints about HR can be forwarded to Legal of the County Manager's Office.

2. Finance Department

a. Budget Overview

Finance Director Teresa Martinez distributed a summary of budget, revenue and the various responsibilities. No negative balances are allowed and there are mandatory reserves. There are recurring revenues, upon which the budget is based, and non-recurring revenues such as insurance recoveries, investment income, and sale of assets. Additionally, revenue is either restricted or non-restricted. Recurring expenditures should be gauged to recurring revenues. There is a formal budget policy that was adopted in 2008. She referred to the budget "bible" which is used to engineer the budget. They are currently transitioning to a performance-based rather than a baseline budget. They are now more results-oriented and accountable.

Ms. Martinez reviewed the timeline, with a budget kick-off on February 21st. Staff monitors and makes adjustment throughout the year. She provided a list of responsibilities of various County staff. She went over the funding sources the County relies on, principally property taxes and the multiple increments of gross receipts taxes.

Ms. Martinez went over the state of the department budgets, noting the Corrections fund was doing better with the influx of federal prisoners. She said they are working on collecting funds owed by other governmental entities, including other counties.

3. Legal Department
a. Open Meetings Act

County Attorney Ross distributed copies of pertinent information, including the Open Meetings Act, Rules of Order, sections from the Inspection of Public Records Act, Code of Conduct and excerpts from the Governmental Conduct Act. The Open Meetings Act applies to gatherings where public policy is discussed or public business conducted in the presence of a quorum, which for the Commission is three members. When a quorum is lost the meeting must be stopped. The Commissioners and Manager postulated various scenarios and asked what should be done. Mr. Ross said the public should never be given the perception that business is being conducted without a quorum.

He set out what constitutes notice. The OMA must be complied with by state law; violations can nullify all action taken in the course of a meeting. He stated his concern that sometimes items are discussed that are not on the agenda, items often arising out of unrelated matters. This occurs especially under Matters from the Commission.

Commissioner Stefanics asked how far in advance they should be given written material. Mr. Ross said the Rules of Order specify everything has to be in the Manager's Office one week before the meeting by 5:00 pm.

Commissioner Mayfield stated he felt agendas should be thoroughly vetted by the Legal Department. He noted that items are recommended for tabling by staff. Mr. Ross indicated that the Commission has to approve the agenda as proposed by staff. Commissioner Mayfield asked about conversations with staff vis-à-vis ex-parte communications. Mr. Ross stated what was prohibited was the Commissioners getting together and coming to an agreement outside a meeting. A discussion ensued regarding reports and presentations not seen before the meetings.

For the benefit of Commissioner Chavez, Mr. Ross pointed out ways the County's Rules of Order differ from those of the City. There are deviations from Robert's Rules of Order. Only friendly amendments are accepted. Unfriendly amendments have to occur after the main motion. Tabling motions or other secondary motions do not take discussion. Tabled items go to the next meeting of that type. Postponements require a date certain. He reviewed the procedure for motions to reconsider.

Ms. Miller explained the procedure for amending the agenda and the best practice for delineating Matters from the Commission. Commissioner Anaya said he liked the idea of a catch-all category. The capital projects item has proven to be effective.

b. Ex-parte Communications

Mr. Ross stated this comes into play in the quasi-judicial cases in land use decisions. The judges can not talk to any of the parties in order that the fact-finder remain impartial. He said the rules can be used against the County in litigation. Commissioner Anaya pointed out the trigger is the submission of an application. Broad philosophical positions lie outside this proscription. Apart from land use cases, other adjudicatory matters would include licensing.

c. Ethics

Mr. Ross said decisions are coming down from the Supreme Court regarding Inspection of Public Records Act (IPRA) provisions. Draft documents are public records. There is a controversy about private emails. He warned that almost everything written can be printed in the newspaper. He said currently it is very one-sided and has the effect of impinging on communication. Until the matter is settled, "Use the phone." He cautioned that the State has made County employees subject to the Governmental Conduct Act; violations can become fourth degree felonies, i.e., 18 months in prison and \$10,000 fines.

4. Public Information Office

a. Talking to the Media

b. Website and Public Relations

PIO Kristine Mihelcic handed out information relating to the Association of Counties' boot camp that outlines do's and don'ts in dealing with reporters. She often gets questions from staff regarding needed clarifications in articles coming out in the press. Commissioner Mayfield asked they be notified of emerging topics, positive or negative, as a heads-up. She said even she is blind-sided on occasion. Commissioner Anaya asked Ms. Mihelcic to maintain contact with the *Independent* and *Telegraph* in the south county.

Citing Santa Fe County's transparency, Ms. Mihelcic stated she monitors national trends in social media, etc. to remain on the cutting edge of technology.

[The Commission recessed briefly.]

5. Working Lunch

a. Annexation

Commissioner Holian stated having a unified view of annexation would put the County in a stronger position vis-à-vis, fire protection, law enforcement, roads and utilities. That way an entire package can be presented to the City.

Mr. Ross distributed documents relative to the settlement agreement, ELUA, phasing and other side agreements on specific subjects. He noted the ELUA board can be reconstituted at any time to deal with contested annexations.

Fire Chief Dave Sperling indicated an agreement has been put in writing to establish boundaries and basically respects the status quo for the next five years for EMS and fire service.

Saying no liability was involved in the shared duties, Mr. Ross noted, "everybody watches out for everybody." Code violations are handled by Code Enforcement rather than the Sheriff's Department.

Adam Leigland spoke of the matters relating to public works – solid waste, water, utilities and roads. The prospect of curbside pickup was discussed. Negotiations continue with the City over road improvements.

6. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned mid-afternoon.

Approved by:

Kathy Holian
Board of County Commissioners
Kathy Holian, Chair



Geraldine Salazar
GERALDINE SALAZAR
SANTA FE COUNTY CLERK
3/27/13

Respectfully submitted:

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Karen Farrell, Wordswork
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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
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I Hereby Certify That This Instrument Was Filed for
Record On The 2ND Day Of April, 2013 at 01:41:23 PM
And Was Duly Recorded as Instrument # 1701243
Of The Records Of Santa Fe County



Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy *Marcella Salazar* County Clerk, Santa Fe, NM